

TOWN OF FREDERICK, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING CHAPTER 1, ARTICLE IV, OF THE *FREDERICK MUNICIPAL CODE*, PROVIDING FOR THE CERTIFICATION OF A LIEN TO RECOVER UNPAID DELINQUENT FEES, CHARGES, ASSESSMENTS, OR TAXES MADE OR LEVIED BY THE TOWN.

WHEREAS, C.R.S. § 31-20-105, provides the authority for a municipality to certify delinquent charges, assessments, or taxes owed to the Town by any person or property owner to the treasurer of the county to be collected and paid over by the treasurer of the county in the same manner as taxes are authorized; and

WHEREAS, it has been determined by the Board of Trustees that such authority also includes the recovery of delinquent development fees and charges assessed under annexation or subdivision improvement agreements, development impact fees assessed by ordinance, sewer user fees, and any other fee, charge, tax or assessment levied by ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Frederick, Weld County, Colorado, that:

Section 1. That Chapter 1, Article IV of the *Frederick Municipal Code*, is hereby amended by the addition of a new Section 1-76, adopted and enacted to read as follows:

“Sec. 1-76. Certification of a Lien to Recover Unpaid Delinquent Fees, Charges, Assessments, or Taxes.

All fees, charges, taxes, or assessments owed to the Town shall constitute a prior, perpetual lien upon each lot or parcel of land of the owner, developer, or licensee, from the due date thereof, until paid. If such fee, charge, tax or assessment is not paid when due, in addition to any other means provided by law, the Town Clerk shall certify such lien to the Treasurer of Weld County and the fee, charge, tax, or assessment shall be collected in the same manner as though it were part of the taxes. Fees, charges, taxes, or assessments shall include, but are not limited to, any development fees and charges assessed under any annexation or subdivision improvement agreements, development impact fees assessed by ordinance, sewer user fees, and any other financial obligation levied by ordinance. The Town reserves the right to withhold or revoke any permits, certificates, or other approvals for any land use or license for which payment of any fee, charge, tax or assessment is delinquent.”

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of

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the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 23nd DAY OF February, 2010.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

By _____
Eric D. Doering, Mayor